

Summary

A This submission is an overview and limited summary of the detailed submissions

B FERN opposes the EDF 2VB alignment on the grounds that it would cause too much harm to the built and natural environment as to be accepted. There is a better alternative that EDF should pursue.

C That harm is to the landscape, heritage, ecology, tourist enterprises and the public rights of network. It would cause physical harm and severely degrade the living experience to those who live in the area to be subjected to EDF's alignment

D EDF's 2VB alignment represents very poor transport planning

E EDF's economic case for its 2VB alignment is weak, as compared to the alternative

F The DCO must make it clear that, if EDF's 2VB alignment is accepted, that scheme will form a discrete scheme for the purposes of Parts 1 and 2 of the Land Compensation Act 1973 and not simply be a component of the overall Sizewell scheme (such as to delay Part 1 compensation and works under Part II)

Abbreviations in this General Submission

2VB - a bypass for Farnham and Stratford St Andrew
4VB - a full bypass for Marlesford, Little Glemham, Stratford St Andrew and Farnham
AW - Ancient Woodland
CWS - County Wildlife Site
DCO - EDF's application for the Development Consent Order
EDF's 2VB alignment – the alignment as set out in the DCO
ExA - the Examining Authority
ESC - East Suffolk Council
FERN - Farnham Environment Residents & Neighbours association
SCC - Suffolk County Council

NB the expression EDF is used for convenience and the reality, rather than the abbreviated special purpose vehicle name SZC

Introduction

1 FERN appreciates that part of the intention of the new DCO legislation in 2008 was to "streamline" the decision-making process for major infrastructure projects through the planning system, with a more inquisitorial process than adversarial. The Sizewell project is huge, with many facets for the ExA to consider. However, for those at

Farnham, there is a discrete issue – EDF's alignment for a bypass for Farnham and Stratford St Andrew. It is open to question whether in fact the DCO process is fairer for local communities.

2 Had EDF's 2VB alignment been a highway scheme promoted by the local highway authority, one might have expected rather more rigour in its preparation. It is appalling, for example, that EDF appears to have belatedly woken up to the existence of a significant tourism business at Mollett's Farm, having previously identified it as a "farmstead" and despite a number of its representatives visiting the premises. The same has been true of the failure by EDF to recognise the number of dwellings at Farnham Hall i.e. not just the listed building - The Manor House. One would expect at least a title index search at an early stage which would have revealed different owners and a fairer representation by EDF in consultation documents.

3 FERN's anxiety about the DCO process is that it could be all too easy for "the little people" to be overlooked or dismissed, when the reality is that EDF's scheme would have a profoundly damaging effect on this part of the Farnham community and those at Mollett's Farm (actually two dwelling units). In our view, natural justice does demand that the question of the alignment is considered as a discrete topic. That must entail, surely, looking at the scheme holistically and weighing the various elements to be considered in a proper planning balance.

4 We have tried to make clear that FERN is not contesting the principle of having a bypass for the two villages but only its alignment. We maintain that EDF has simply chosen the wrong alignment and that the DCO should not be approved on the basis of that alignment.

5 For the avoidance of doubt, FERN consists of the owners of the Manor House, No 2 Farnham Hall, the two dwellings at Nos 3 and 4 now enjoyed together, Boothby's Barn, the Cartshed and No 2 Farnham Barn, Farnham Barn, Nos 1 and 2 Hall Cottages, Mollett's Farm and The Old Vicarage. The owner of No 5 Farnham Hall has had serious personal issues to contend with and withdrew from FERN as a consequence. The owner of Farnham Hall Farmhouse declined to join FERN and we know not what arrangements that owner is making with EDF, although the proximity of EDF's alignment will have a profound impact on that dwelling.

6 The purpose of this submission is to draw together different aspects of FERN's case, in summary in part of the detailed submissions also being made on specific subjects and also to make other points, from a comprehensive perspective.

Transport Planning

7 It is sad to say but this DCO represents a major failure in transport network planning, both strategically for a 4VB and locally for the route selection for a 2VB.

8 We understand that there are places in Suffolk, where, historically, it has taken a long time for new highways to be brought to fruition. The history of improvements to

the A12 goes back to the 1930s, with a Woodbridge Bypass opening in 1933, the Wickham Market Bypass in 1976 but Martlesham Bypass not until 1987. Despite the A12 being a trunk road, it was SCC which completed the Saxmundham Bypass in 1988 and the Kessingland Bypass in 1990. There was a long history of planning for relief in Lowestoft (back to the 1960s, we understand) with that aim being a trunk road priority at times but eventually it being SCC that delivered a Northern Spine Road (in three phases 1989 - 2015) and a Southern Relief Road in 2006, with a new crossing of Lake Lothing now consented.

9 There has long been an aim for relief to the four villages of Marlesford, Little Glemham, Stratford St Andrew and Farnham but EDF has offered only its 2VB, and after initially only offering a bypass for Farnham itself. To be fair to SCC, it has tried for Government support for a full 4VB but did not succeed. EDF has chosen a route for its 2VB which, most unfortunately, prejudices the prospects for a future bypass of the other two villages so there is no 'future-proofing'. SCC Highways have admitted this. Instead of accepting a 2VB route with that serious prejudice to what SCC was supposed to be seeking, a full 4VB, it would have been much better for SCC and EDF to have worked together on an alignment which would have better preserved the future for full 4VB relief. Communities might have to wait for years for traffic relief but to prejudice any future relief is very bad planning and counts against EDF's 2VB alignment.

10 Even as respects route selection for EDF's 2VB there has been bad planning. EDF has paid insufficient regard to the built and natural environment, especially from a heritage perspective. Going back to SCC's AECOM study in 2013, there has been the same lack of detailed attention to what a route west of Foxburrow Wood would entail. SCC undertook conceptual planning, even for the SEGWAY bid, but without full and proper appraisals.

11 One can imagine some gratification at the Councils with EDF accepting it should build a 2VB. Unfortunately, that success seems to have blinded the Councils to a proper consideration of what alignment should actually be taken for a 2VB, hence the continuing and false narrative that The EDF 2Vb alignment is the "least worst option". That assessment depends on what value base one starts from and unfortunately officers at SCC started from incorrect information as to the corridor between Palant's Grove and Foxburrow Wood. It appears that a settled 'group mind-set' has taken hold, without actually taking into account properly issues on heritage, ecology, landscape harm and the impact on dwellings, to name a few factors only

12 EDF may claim that it has simply taken an SCC route alignment but that does not absolve it as the promoter of the need for proper examination of the issues; failures on heritage and ecology are glaring examples. This cannot be a case of simply putting a bypass "through fields and woodland" without proper thought to the consequences. In reality, what EDF is doing is to shift an acknowledged problem off the existing A12 route but burden another part of the Farnham community with it. How can that possibly be described as being to the "public good"? It cannot and the DCO should not be accepted as regards EDF's 2VB alignment.

Heritage Impact

13 FERN has been very concerned by the failure of EDF and the Councils (save latterly, to some degree) to take proper account of the impact of EDF's 2VB alignment on the heritage of this area, which stretches from Little Glemham Park to the A1094 and encompasses listed buildings as well as non-designated heritage aspects. To be fair to the Councils, they raised issues on heritage in EDF consultations but it is clear that no satisfactory answers or follow-up has been given by EDF. Unfortunately, EDF's attitude to Heritage assets is exemplified by its poor care of the listed building, Post Office Stores, on which it will not even reply to letters from the Parish Council. EDF's attitude is evidenced even more particularly by the scant regard paid to the heritage issue in its DCO documents. It should not be necessary for a group of Farnham villagers to have to pay for an independent assessment but the report FERN is submitting by Brighter Planning Consultancy makes a powerful case in respect of heritage harm from EDF's 2VB alignment and justifies our reasons for concern.

14 It is unfortunate that only now, in the joint Councils' report of May 2021, we are seeing a full account of a view on heritage appraisal from within the Councils but sadly, having apparently '*allowed a heritage officer a say*', as it were, the decision makers for that report have not then taken that heritage assessment properly into account but rather simply re-iterated the pre-determined (and wrong) view that the EDF 2VB alignment is "the least worst option". If we are wrong and the Councils can demonstrate that, in earlier decision making, they have taken FULL and PROPER account of the heritage implications no doubt they will explain how and when to the ExA.

15 Heritage impact is not the sole reason for the ExA to reject EDF's 2VB route in the DCO. However, EDF as applicant, the Councils as planning and highway authorities, and the ExA as reviewing body are all bound by the statutory requirements. It is FERN's submission that EDF has failed to meet the requirements for proper consideration of the heritage issues, that the proper balance in planning terms for heritage is such that EDF's 2VB alignment is unacceptable and therefore that the DCO should not be approved with that alignment.

Landscape Impact, including Ecology and Trees and Woodland

16 The major mistake made by EDF is that it has failed to appreciate that the landscape cannot be viewed as simply woodland and fields through which a road is to be put (and across a river) but has to be viewed holistically and taking full account of where those land features sit and with a proper appreciation of the value of Ancient Woodland, the interconnectivity of landscape elements, veteran/noble trees, the double hedgerow which is a bat corridor and the interlinked habitats. Sarah Green confronted an EDF representative as to why habitats in the private woodlands and gardens of properties in the Farnham Hall area were not being surveyed and was not surprised by the only response being a pink blush.

17 The DCO process has exposed how woefully inadequate has been EDF's environmental appraisal work, with no proper examination of Nuttery Belt (and therefore ignorance as to whether it is AW and of ecological value) and the failure to look at the Farnham Hall area habitats. It simply is not good enough to pass this off as "not having consent" for not examining our ponds, gardens and woodlands when the question was not even asked of us (and would have agreed). We believe that EDF did have somebody go into Pond Wood but without asking permission of Diana Hinton of The Manor House. The owners of Mollett's Farm have also pointed out the environmental and ecological harm that EDF's 2VB alignment will cause, without EDF carrying out any survey work for their property (and permission would have been readily given). The Councils should be ashamed too of their willingness to countenance the loss of woodland at Nuttery Belt without proper consideration, and trying rather to protect woodland between Palant's Grove and Foxburrow Wood which did not exist in 1803, is scrub growth for the most part, is not AW and only became CWS because it was wrongly identified as AW.

18 FERN remains deeply concerned about the risk of major impact on the hydrology of the area from the deep road cutting, with consequent risk to the AW at Foxburrow Wood and Pond Wood. It is unhelpful, to say the least, to have redacted material. What can possibly be so difficult about revealing what investigations have been undertaken to understand the hydrology of the area? Ancient woodland is a scarce natural resource; the Woodland Trust estimates that only 2.5% of the UK has remaining AW cover. The western side of Foxburrow Wood is already showing signs of stress. On the precautionary principle, EDF should not be allowed to do anything which poses a risk of loss of AW. It is already the case that EDF has an inadequate buffer between its 2VB alignment and the wood.

19 The detailed reports by Bioscan for Ecology and by Sarah Green on Trees and Landscape set out the case against EDF more fully and it remains FERN's contention that the impact on the natural environment is so harmful that EDF's 2VB alignment cannot be accepted.

Physical harm

20 Traffic causes harm. This is increasingly clear, from studies on particulates in the bodies, the harm to children in particular and court decisions. The consequences of high levels of motor traffic have to be managed better in our community.

21 Traffic is harmful to the residents of Farnham and Stratford St Andrew, there is no denying. Those along the existing A12 corridor and proximate to it will benefit from a bypass. What is so wrong is that, instead of choosing an optimum route, EDF is proposing to shift harm away from the village but bring it close to that part of the community in the Farnham Hall area and at Mollett's Farm. Those in the Farnham Hall area are currently about 380-460 metres away from the existing A12, with a 30 mph speed limit (20 mph at the bad bend in Farnham) and therefore reduced noise compared to a new bypass to a design speed now of 60 mph (not the 50 mph road promised in consultations).

22 Those in the Farnham Hall area would be about 120-170 metres away from the EDF 2VB alignment (and only about 80 metres away from the edge of the closest gardens). The dwellings at Mollett's Farm would be about 205 metres away from EDF's 2VB alignment but using their gardens is an integral part of the tourism offer and directly and detrimentally affected, as would also be the case for The Cartshed at The Barn and the Old Vicarage. People do not live solely inside buildings. Being outside in gardens is part of the normal living experience, especially in the countryside. EDF is simply not offering enough protection against the harm that would be experienced as a result of its 2VB alignment. That harm could be lessened by a bypass route further east.

23 The ExA are requested to take into account this and the more detailed submissions by Michael Noble (and also that of Derek Green, which is next addressed). FERN's position is that simply shifting harm from one part of the Farnham village community is unacceptable and that the EDF 2VB alignment should be rejected. The ExA are referred also to the submission by the Ayres of Mollett's Farm specifically as regards defects in the manner in which EDF has assessed noise for that property, which calls into question whether the noise assessment for the properties in the Farnham Hall area is correct. Given the deficiencies in the DCO documents identified by Mr Noble, the ExA are requested to seek from EDF a clearer explanation of the predicted noise impact property by property in the Farnham Hall area, with a clearer explanation as to the methodology being used.

Further Impact on People

23 There is a danger that, in a project being promoted for the 'greater good' of having a new nuclear power station, the impact of that project and its component parts on ordinary people gets swamped in broader arguments. Derek Green of No 2 Farnham Hall counts himself as one of the "little people", faced with an EDF "juggernaut". His personal submission sets out the consequences in human terms, as well as exposing the spurious nature of the arguments that EDF employed against considering the Parish Council's alternative route.

24 Harm to human beings occurs from traffic on the existing A12 corridor. FERN knows of nobody advocating 'Do Nothing' and does not consider that a viable option. Therefore, it must be 'Do Something'. The problem is that EDF is proposing the wrong 'Something'.

25 There are good objective reasons for the ExA rejecting EDF's 2Vb alignment. To repeat, shifting a problem from one part of the community to another part is simply not "in the public good".

Tourism

26 The tourism sector is an important part of the East Suffolk economy. It will be a reality that this economic and social sector will suffer during the Sizewell C construction period, as has been said so eloquently by others. However, there are 3 tourism businesses which will be directly affected by EDF's 2VB alignment, and Mollett's Farm is the larger and longest established. Indeed, the impact on Mollett's Farm is so direct and so severe that the Ayres are submitting a representation of their own.

27 The businesses at The Old Vicarage and more recently at The Cartshed may be more modest but nevertheless play their part in the local economy. The detriment to the East Suffolk economy for tourism is a factor to be weighed overall by the ExA but the impact at Mollett's Farm and in the Farnham Hall area counts against the EDF 2VB alignment.

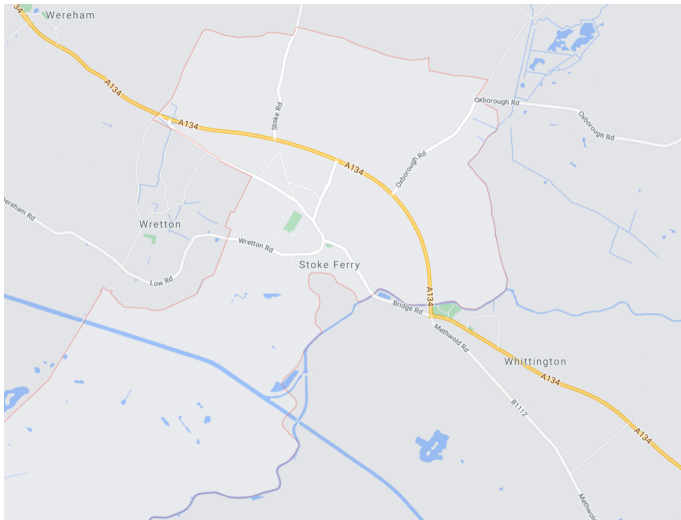
28 The detailed case in respect of The Old Vicarage and The Cartshed is as set out in the Tourism submission for Caroline Ogilvie and Sarah Green. The ExA are referred to the separate submission by the Ayres of Mollett's Farm.

The Alternative (east of Foxburrow Wood)

29 FERN appreciates that a more easterly alignment for a 2VB is not in the DCO. However, FERN contends that the EDF 2VB alignment causes so much harm to the built and natural environment that it simply cannot be accepted. FERN believes that 'Do Nothing' for the A12 through Stratford St Mary and Farnham is not a viable option for the Sizewell C project. To repeat, there must be 'Something' but EDF has pursued the wrong 'Thing'.

30 The Parish Council's alternative was put forward on a similar basis to EDF's design parameters for a 50 mph road, as regards curved alignment. SCC has already questioned the design standard for the minor road crossroads next to The Old Vicarage woodland, where there will be a flooding problem (as seen now regularly by Caroline Ogilvie) unless proper account is taken of water run-off. FERN assumes that the ExA will satisfy itself as to proper road design criteria for the EDF 2VB alignment, given that it is now 60 mph design speed, not the 50 mph speed put forward by EDF in consultations.

31 It is not unknown for village bypasses to take a long sweep around, as evidenced by the A134 bypass at Stoke Ferry in Norfolk (google map extract attached here). EDF made a spurious argument against the Parish Council's route, on the grounds that the extra distance (approx. 0.5 of a kilometre) would cause drivers to stay on the existing route through the villages. A Suffolk Highways officer is on record with FERN to say that he does not believe this would occur. It is simply not believable, as the ExA will see on their site inspection.



32 In recent years SCC has completed the Lowestoft Northern Spine Road Phase 5 over what we understand was farmland, the Beccles Southern Relief Road (likewise) and the Bury St Edmunds Eastern Relief Road (using in part an existing road and across the old airfield site but all reasonably flat, we understand). SCC can produce expert information to the ExA on what it cost per mile for a single carriageway on farmland but we doubt that EDF would be looking at much more than £400k to £500k for the extra distance involved., on say £1m per mile for a single carriageway on roughly flat land. Set against that extra cost must be the considerable saving in not having a cutting of the length that EDF proposes for its alignment west of Foxburrow Wood, together with its earth ramps and new bridge (which presumably has not been costed for the design that would actually be required for horse rider and cyclist use as well as pedestrians). In addition, FERN has had professional advice that Part 1 compensation alone is likely to be over £1m and EDF could effect a saving on that, even allowing for what would be payable in respect of the bungalow at Walk Barn Farm. EDF could even explore with that owner whether or not a services facility could be considered at that location.

33 The Inspector's report on the Inquiry in 1995 into the later abandoned Highways Agency scheme does not reveal that heritage impact played any part in his decision making, which was finely balanced anyway as between going west of Foxburrow Wood and going east of it. Sadly, subsequent investigations by SCC on route alignment did not deal with the heritage aspect with any rigour and EDF's attention to the issue for DCO purposes is scant. Charmain Hawkins of Brighter Planning Consultancy points out the statutory requirements for taking heritage issues into account; it is evident that these are more prominent now that they were in the 1990s

34 The report by the independent Heritage expert (Brighter Planning Consultancy) fairly identifies that barns at Walk Barn Farm could be regarded as a non-designated heritage asset. FERN acknowledges that the Parish Council's route could be seen as having a detrimental effect on those farm buildings (as also on the mid 20th century bungalow, which is not, however, in permanent residential occupation and is of low architectural merit). It is abundantly clear, however, that the alternative route

east of Foxburrow Wood will cause substantially less harm to the heritage of the area and is to be preferred for that reason.

35 As explained elsewhere, EDF's 2VB alignment does not 'future proof' for future relief to Marlesford and Little Glemham but indeed prejudices the prospect. Taking the more easterly alignment for a 2VB, as per the Parish Council's proposal, would not only provide for that 'future proofing' but also enable EDF to better consider means to lessen the impact on St Mary's Church.

36 The ExA is requested to consider the above as well as the more detailed submission.

Public Rights of Way

37 The reality is that a new road to a design speed of 60 mph will have a severing effect as regards use of the PROW network. Local owners do not see organised groups of ramblers but the footpaths affected by EDF's 2VB alignment are popular amenities for villager and tourists who come to stay.

38 As explained in detail in the submission by Julie Noble, FERN is fundamentally opposed to the proposal to mix horse-riders and cyclist with motor vehicles on the access lane from the highway to the walled garden of the Manor House. Pedestrian use of the public footpath is not a problem. A walking speed enables pedestrians to see motor vehicles in due time, without the risk of conflict inherent in the proposal made as an alteration by EDF. It has simply not been well enough thought through by either SCC officers or EDF. It would be instructive for the ExA to know which officer at SCC actually came out to walk the route and what experience that officer has in horse-riding.

39 If the EXA is, however, minded to overrule FERN's objection, it follows that there must be a radical re-design of the proposed bridge and its approach ramps, so as to provide appropriate gradients, widths and surfacing, as detailed by Mrs Noble.

40 It is unfortunate that EDF's consideration of the impact on the PROW network has not been rather more creative. If EDF's 2VB alignment is constructed, there is a golden opportunity to provide a public footpath all the way along the western side of the bypass, at the toe of bunding, from Friday Street to about the walled garden of the manor House, to re-join the access lane, as modified by EDF for its 2VB alignment. There seems no good reason for that not being on the side of a new Private Means of Access and it would mean that villager who want to walk in the area between the main parts of the villages and the EDF 2VB alignment would have circular routes available, including for access to the facilities at Friday Street (with safer crossing points at the new roundabout via good sized splitter islands and disabled compliant dropped kerb crossings).

41 FERN, however, remains opposed to the EDF 2VB alignment and the severing effect of EDF's 2VB alignment is a detriment to the scheme. By providing a link

across the new road via the approach ramps and a bridge, EDF will maintain some degree of continuity with the footpath along the access lane to Walk Barn Farm and beyond but the walking experience up and over a very busy road will be quite different to what exists now and indeed quite unattractive. The PROW interest would be better served by having the Parish Council's route for a more easterly bypass.

Mitigation if the EDF 2VB alignment is approved

42 This would not be an acceptable outcome to FERN and FERN believes that the case against EDF's 2VB is so strong that the DCO should not be approved with that alignment retained but FERN accepts that the EXA may come to a different view. On that basis, and without prejudice to the arguments against EDF's 2VB, FERN is submitting a detailed case for more mitigation measures, as per that in the name of Sarah Green.

43 In the Farnham and Stratford St Andrew area, there has been a settled road network for over two centuries, save that the roadway shown on Hodkinson's map of 1783 east of Foxburrow Woods that went north/south, has been lost and survives only in parts as FP 6. Any new road will be an intrusion into the countryside but EDF's 2VB is particularly bad (for a number of reasons), especially when a better alternative exists. If it has to be EDF's 2VB, then the harm it causes to the built and natural environment should be much better mitigated than EDF is proposing. The new road would scar the landscape and its impact should be softened. If that requires the exercise of powers under S246 Highways Act 1980 to acquire land for the purposes of mitigating the adverse effects of the EDF 2VB, the DCO should not be recommended for approval without EDF being required to adjust land-take for that purpose.

44 EDF's lack of provision for noise attenuation fencing is inadequate. There must be considerable doubt as to the truth of EDF's noise analysis, given the faults identified for Mollett's Farm. Increased protection is required, starting at the southern roundabout.

45 The EDF 2VB would be an alien intrusion into the landscape and more effort should be made to reduce impact on that landscape. The ramps for the bridge are an inadequate shielding feature. Increased bunding should be provided in the Farnham Hall area but there is a particular need for bunding continuing at a sufficient height to provide adequate protection at Mollett's Farm and stretching as far as possible to the Friday Street roundabout.

46 EDF's 2VB has inadequate provision for new planting. There is a particular need for shielding planting round from the southern roundabout. Bund side slopes should be landscaped with suitable planting and trees planted along the base, in sufficient width to grow up and absorb the feature into the landscape. This can be successful, as can be seen at the northern end of the Saxmundham Bypass.

47 There is an issue as to what works will be undertaken to further ameliorate the impact of EDF's 2VB alignment (should it be approved) at the northern end when the construction compound is removed.

48 The ExA are asked to consider the need for greater protection for residents in respect of working hours and security fencing, as well considering preservation of accesses. There has been insufficient reassurance on this by EDF. It is particularly poor of EDF not to have been in touch with the owners of Nos 1 & 2 Hall Cottages about their drainage facilities which stretch into the route of the EDF 2VB, which is an example of lack of attention to detail on a matter which may be seen as small in context of the Sizewell C project as a whole but of considerable importance to two householders.

Compensation

49 Expert advice has been taken from Richard Heldreich BSc Hons (Est Man) FRICS, who has over 30 years' experience in Planning and Development and who is a specialist in Compulsory Purchase and Compensation throughout the UK. He has acted for many statutory authorities as well as claimants in the promotion of CPOs and the settlement of compensation claims. In his expert opinion, EDF's 2VB alignment may result in compensation being payable under Part 1 of the Land Compensation Act in excess of £1 million. FERN acknowledges that the precise amount of compensation for each affected property is not a matter for the EXA but it is relevant to the economic case for what is under consideration.

50 The ExA will appreciate that FERN does not accept that financial compensation is an adequate remedy for the harm that EDF's 2VB alignment would cause to the built and natural environment. The appropriate remedy is for the ExA to reject the EDF 2VB alignment altogether; it would then be for EDF to re-submit with a fully designed Parish Council route but taking the opportunity to work with the Councils on possibly re-siting the roundabout at the southern end so as to mitigate harm to St Mary's Church, as well as designing to allow for a roundabout connection to a later bypass for Little Glemham and Marlesford .

51 If, unfortunately for us at the Farnham Hall area and at Mollett's Farm, the ExA decides to recommend the DCO be made with EDF's 2VB alignment, there may be those of us who are dependent on financial compensation rights under Part 1 of the Land Compensation Act 1973. One advantage of the DCO process is that it enables specific arrangements to be made for particular circumstances. If not already expressly covered, it need to be made clear in the DCO that the EDF 2VB alignment would be treated as a discrete scheme for the purposes of Part 1, so that an entitlement to compensation under Part 1 would arise 1 year after opening to traffic. Likewise any entitlement to works under Part 2 should arise for that discrete scheme. It should not be the case that a 2VB scheme is regarded as part of the overall Sizewell C project, with consequent delays. This point has been raised by Richard Heldreich with Dalcour Maclaren for EDF but not satisfactorily answered.

52 Mitigation measures put forward earlier should not be regarded as “accommodation works” in lieu of compensation. They are rather elements of proper design which are objectively required to ameliorate the harmful effects of a highways project and as such a proper part of a scheme cost. S246 Highways Act 1980 is the statutory authorisation for acquiring land for mitigation purposes. FERN acknowledges that an incidental benefit of such works might be to reduce compensation under Part 1 but contends that the primary decision for the ExA is in relation to the inadequacies of design.

Potential Delay to Sizewell C

53 FERN’s case is that this DCO should be rejected because of the harm caused by the EDF 2VB alignment. It would follow that EDF would have to come back with a route to the east of Foxburrow Wood. FERN appreciates that that will cause a delay to EDF’s programme. That, however, falls fairly and squarely at EDF’s door. EDF has had ample opportunity to get the alignment right for a 2VB. IF EDF wants to argue that an inherently bad alignment should nevertheless be approved, that runs counter to proper planning practice. It would, however, be essential in that case for the additional mitigation to be provided.

54 It is perhaps fortuitous that renewable energy is playing such a successful part in the UK’s energy requirements and will be added to when Scottish Power Renewables. New projects in the North Sea come on stream. The ExA will no doubt be watching closely what policy announcements might be made on energy by the Government in the run-up to the United Nations COP26 conference, which could make a difference to the policy context in which the Sizewell C project is being viewed.

Conclusion

55 The ExA should pay no regard to the word order in the expression “harm to the built and natural environment”. That does not represent a value judgement but rather the ease with which the phrase trips off the tongue.

56 FERN understands that the role of the ExA is to identify the benefits, identify harms and weigh them all up in order to reach a decision. We believe that very rarely are there developments without harm; what FERN have identified is harm that EDF has failed to identify and present to the Examination. FERN believes that the harm we have identified in the EDF 2VB alignment must be given significant weight in the overall planning balance. And so much so that it leads to a conclusion that EDF have not demonstrated that its 2VB alignment is sufficiently in the public interest to be approved. We are hope this is clearly apparent from the content of our representations. The alternative alignment put forward by our Parish Council, we feel, offers the opportunity to shift the planning balance as it would involve much less harm and significantly reduce the damage to the built and natural environment, and specifically for heritage, landscape, ecology, tourism, homes and public rights of way.

